APPENDIX.

U. S. C. Title 12, ch. 2, sec. 191.

General grounds for appointment of receiver.

* * * or whenever the comptroller shall become satisfied of the insolvency of a national banking association, he may, after due examination of its affairs, in either case, appoint a receiver who shall proceed to close up such association, and enforce the personal liability of the shareholders, as provided in section 192. (June 30, 1876, c. 156, sec. 1, 19 Stat. 63.)

U. S. C. Title 12, ch. 2, sec. 192.

Default in payment of circulating notes.

* * * Such receiver, under the direction of the comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, may sell all the real and personal property of such association, on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders. Such receiver shall pay over all money so made to the Treasurer of the United States, subject to the order of the comptroller, and also make report to the comptroller of all his acts and proceedings. * * *

U. S. C. Title 12, ch. 2, sec. 198.

Purchase by receiver of property of bank; request to comptroller.

Whenever the receiver of any national bank duly appointed by the Comptroller of the Currency, and who shall have duly qualified and entered upon the discharge of his trust, shall find it in his opinion necessary, in order to fully protect and benefit his said trust, to the extent of any and all equities that such trust may have in any property,

real or personal, by reason of any bond, mortgage, assignment, or other proper legal claim attaching thereto, and which said property is to be sold under any execution, decree of foreclosure, or proper order of any court of jurisdiction, he may certify the facts in the case, together with his opinion as to the value of the property to be sold, and the value of the equity his said trust may have in the same, to the Comptroller of the Currency, together with a request for the right and authority to use and employ so much of the money of said trust as may be necessary to purchase such property at such sale. (Mar. 29, 1886, c. 28, sec. 1, 24 Stat. 8.)

U. S. C. Title 12, ch. 2, sec. 199.

Approval of request.

Such request, if approved by the Comptroller of the Currency, shall be, together with the certificate of facts in the case, and his recommendation as to the amount of money which, in his judgment, should be so used and employed, submitted to the Secretary of the Treasury, and if the same shall likewise be approved by him, the request shall be by the Comptroller of the Currency allowed, and notice thereof, with copies of the request, certificate of facts, and indorsement of approvals, shall be filed with the Treasurer of the United States. (Mar. 29, 1886, c. 28, sec. 2, 24 Stat. 8.)

U. S. C. Title 12, ch. 2, sec. 200.

Payment.

Whenever any such request shall be allowed as hereinbefore provided, the said Comptroller of the Currency shall be, and is, empowered to draw upon and from such funds of any such trust as may be deposited with the Treasurer of the United States for the benefit of the bank in interest, to the amount as may be recommended and allowed and for the purpose for which such allowance was made: *Provided, however,* That all payments to be made for or on account of the purchase of any such property and under any such allowance shall be made by the Comptroller of the Currency direct, with the approval of the Secretary of the Treasury,

for such purpose only and in such manner as he may determine and order. (Mar. 29, 1886, c. 28, sec. 3, 24 Stat. 8.)

U. S. C. Title 28, ch. 9, sec. 344(b).

* * * (b) It shall be competent for the Supreme Court, by certiorari to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had * * * or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; * * *

Section 11(a) of the Act of Congress of February 13, 1925 (U. S. C. title 28, sec. 780).

"That where, during the pendency of an action, suit, or other proceeding brought by or against an officer of the United States, or of the District of Columbia, or the Canal Zone, or of a Territory or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent for the court wherein the action, suit, or proceeding is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved."

Section 5795 of West Virginia Code. Second Petition.

In a case wherein the court shall deem the judgment, decree or order complained of plainly right, and reject it

on that ground, no other petition therein shall afterwards be entertained. But the rejection of such petition by a judge in vacation shall not prevent the presentation of such petition to the court when in session. (Code 1849, c. 182, sec. 10; Code 1860, c. 182, sec. 10; 1872-3, c. 17, sec. 11; 1877, c. 44, sec. 11; 1882, c. 157, sec. 11; Code 1923, c. 135, sec. 11.)

Section 5811 of West Virginia Code. Judgment; Motion to Dismiss; Motion to Affirm, Reverse or Dismiss Involving Merits.

The supreme court of appeals shall affirm the judgment, decree or order, if there be no error therein, and reverse the same in whole or in part, if erroneous, and enter such judgment, decree or order as the court whose error is sought to be corrected ought to have entered, affirming in cases where the court is equally divided. In the case of an appeal from an order granting a new trial or rehearing, if the order be reversed, such final judgment, decree or order shall be rendered or made in the case as the appellant was entitled to in the court below. All motions to dismiss upon grounds not involving the merits of the case shall be made after reasonable notice in writing to the opposite party or his attorney, or given in a brief filed under the rules. With leave of the court previously granted, and after reasonable notice to be prescribed by a rule of the court, a motion to dismiss involving the merits, or to affirm or reverse, may be made at any time after the allowance of the appeal, writ of error or supersedeas; and, upon the hearing of such motion, the court may dismiss, affirm, modify or reverse with like effect as if the appeal, writ of error or other process had been regularly matured for final hearing. (Code 1849, c. 182, sec. 23; Code 1860, c. 182, sec. 34; Code 1868, c. 135, sec. 15; 1872-3, c. 16, sec. 13; 1882, c. 157, sec. 26; 1915, c. 69, sec. 26; 1921, c. 59, sec. 26; Code 1923, c. 135, sec. 26.)